

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

10/17/2002

CLERK OF THE COURT
FORM L000

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

LC 2001-000508

FILED: _____

STATE OF ARIZONA

F TYLER RICH

v.

TIMOTHY J CRAWFORD

TODD K COOLIDGE

PHX CITY MUNICIPAL COURT
REMAND DESK CR-CCC

MINUTE ENTRY

PHOENIX CITY COURT

Cit. No. #891229; #891230

Charge: DRIVING WHILE INTOXICATED;
A.C. OF .18 OR MORE WITHIN TWO HRS OF DRIVING

DOB: 08/23/72

DOC: 05/11/00

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This case has been under advisement since it was submitted to this court by counsel on the basis of the pleadings on

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September 18, 2002. This Court has reviewed and considered the record of the proceedings from the Phoenix City Court, the exhibits of record and the Memoranda submitted by counsel.

The only issue raised by the Appellant on appeal concerns the trial judge's ruling denying Appellant's Motion in Limine. Appellant had moved in limine to preclude a State's criminalist from testifying about the blood test results obtained from the testing of Appellant's blood. The criminalist who analyzed Appellant's blood (Jesse Shriki) was unavailable to testify and had not worked for the Phoenix Police Crime Laboratory for over a year.

Observations, test results, and conclusions made by one expert may be relied upon by another expert if of a type reasonably relied upon other experts when forming their opinions.¹ Experts may rely and testify as to the conclusions of other experts if the expert testifying reasonably relied upon that other expert's opinion.²

Expert testimony based upon the test results or findings of another expert may be admitted pursuant to Rule 703, Arizona Rules of Evidence:

The facts or data in the particular case upon which an expert basis an opinion or inference maybe those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence.

¹ State v. Rogovich, 188 Ariz. 38, 932 P.2d 794 (1997); State v. Villafuerte, 147 Ariz. 323, 690 P.2d 42, cert.denied, 469 U.S. 1230, 105 S.Ct. 1234, 84 L.Ed.2d 371 (1985).

² State v. Lundstrom, 161 Ariz. 141, 776 P.2d 1067 (1989).

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The underlying test results upon which a testifying expert basis his or her opinion are subject to cross examination as provided in Rule 705, Arizona Rules of Evidence:

The expert may testify in terms of opinion or inference and give reasons therefore without prior disclosure of the underlying facts or data, unless the court requires otherwise. The expert may in any event be required to disclose the underlying facts or data on cross-examination.

This Court finds no error in the trial judge's order denying Appellant's Motion in Limine.

IT IS THEREFORE ORDERED affirming the judgments of guilt and sentences imposed by the Phoenix City Court.

IT IS FURTHER ORDERED remanding this matter back to the Phoenix City Court for all further and future proceedings in this case.